

**TOWN OF EPSOM
SELECTMEN'S MEETING
Monday, June 21, 2010**

Bob _____
Joanne _____
Keith _____

Final 06/28/10
Accepted _____
Accepted as Amended _____

SPECIAL MEETING

Attendance:

Town of Epsom Officials: Joanne Randall, Chairperson; Keith Cota, Vice Chairman; Bob Blodgett, Stewart Yeaton, Epsom Fire Chief;

Town of Allenstown Officials: Shaun Mulholland; Paul Apple (Town Administrator); Roger LaFleur; Jason Tardiff; Jeff Gryval;

Town of Pembroke Officials: Tina Courtemanche; David Sheldon; John Duggan; Larry Preston; Cindy Lewis; David Jodoin (Town Administrator);

General Public: Dan O'Brien, Union Leader; L. Williams; B. Thompson; D. Joslyn; Mary Frambach; Rick Bilodeau; Arthur Champagne; Sandra Poirier; Dan Fredyma; Rex Bennett; Tom Beaumeister; Cerina Yeaton; Linda Spofford; Dick Spofford Sr.; JoAnn Swiggard; Ron Swiggard; Mohn McDonnell; Charlotte Williams; Gary Underwood; Dennis Demeritt; Joan Lorina

Joint Suncook River Meeting

6:15pm **Joanne called the meeting to order and asked Bob Blodgett to lead us in the Pledge of Allegiance.** She then stated that this is a regular meeting of the Epsom Board of Selectmen and minutes are being taken and she suggested that each town may wish to use our minutes and accept or adjust them as their own official minutes. Joanne then turned the meeting over to Keith Cota.

Introduction:

Keith Cota welcomed everyone and stated briefly that the purpose of the joint meeting is to discuss the willingness to join together to coordinate with the State for funding stabilization and restoration efforts along the Suncook River. He passed out two handouts which show maps of the river avulsion.

Avulsion Overview (Epsom Overview)

Mother's Day Flood of 2006

Keith explained the May flood event delivered more runoff to the river valley than it could contain within its banks. The storm was unprecedented with about 10 inches of rain in a 24 hour event. This correlates to a storm event higher than a 100 year storm. As a result of the heavy flows the water rushing behind the two dams backed up and overtopped its banks upstream of the gravel (sand) pit within a lower depression adjacent to the sand pit. As the water filled this lower depression, it eventually created a catastrophic failure of the earthen wall at the property edge and pushed a wall of water that created the avulsion. He noted that contrary to information being provided by local residents, the Town of Epsom does not own the pit where the river failure occurred. He noted the Town of Epsom had entertained taking ownership of the gravel pit shown on the map just prior to the flood event. However after the flood, the Town decided not to sign the deed and take ownership. He reinforced that the Town of Epsom does not own the gravel pit that

was affected by the river avulsion. It has since been sold by the heirs of the property owner to Mr. Robert Griggs.

Keith noted that the Town of Epsom has been taking the lead with DES to seek grants to address the river stabilization. He noted that the Town's position has been that the Suncook River is the State of NH's river and we were aiding the State to secure the grants due to the funding procedure in place for the funds (i.e. competitive grant basis).

State Coordination (Epsom Overview)

VHB Fluvial Geomorphology Study (Completed May 19, 2008)

Keith stated that in late 2006 Epsom was able to secure a \$60,000 grant with \$16K of Epsom tax payer funds to hire Vanness Hangen & Brustlin, Inc. to undertake a Geomorphology River Study. This report was a detailed report evaluating the river functions from pre to post conditions and outlined four alternatives to address the river stabilization in Epsom. The focus of the study was on the avulsion in the Town of Epsom, although it was recognized that the river is affecting the neighboring towns to the south. Keith stated that Chichester, Allenstown & Pembroke were all provided copies of the final report when it was completed. There were 4 primary alternatives as a result of the study:

- 1 – Do nothing (let the river do its natural course to reach equilibrium – not acceptable).
- 2 – Strategic Treatment (Install key rock cross vanes (rip rap) and dredge material from portions of the river).
- 3 - Restore New Channel (Stabilize the new channel, install rock vanes, and dredge the river channel).
- 4 – Restore River to Original Channel (Restore the river to its previous path by construction of diversion dam, install rock vanes and dredge the river. Keith noted that this alternative was the most expensive and created the liability of diversion dam ownership and long-term maintenance).

There were 2 public meetings held prior to the study being finalized. Keith reiterated that the Epsom BOS considers this river to be the property of the State of NH, therefore it remained the State's responsibility to determine the best approach to take so further damage is not caused to properties. DES recommended Alternative 3 to be pursued.

USGS Geologic Mapping and Sediment Transport Study (Pending final approval) Keith explained that since the VHB study was focusing on the Epsom section of the avulsion, FEMA contracted with USGS to complete a floodplain analysis and sediment transport study along the river including the southern section through Allenstown and Pembroke. This study involved topographical mapping along the river by Eastern Topographic in 2008, field survey of the channel and sediment measurements. The study is just being reviewed for acceptance by USGA and is expected to be released soon. Keith noted that this study could now be considered outdated due to the ongoing river changes since the field work and aerial mapping has been completed.

Application of State/Federal Grants: Keith said Epsom has applied for several grants and has not received enough funds to proceed. The grants involved the Federal Pre-Disaster Mitigation Grant for \$3.75 million, NHSCC Moose Plate Conservation Grant for \$50,000, Emergency Management Program Grant for \$450,000 which is currently pending, Aquatic Resource Mitigation Resource Fund for \$100,000 (currently pending), and Community Block Grant to assist with the match for the Pre-Disaster Grant. In addition the Town also opened discussion with the US Congressmen's office for possible Federal Stimulus Program Funds, however, due to the project was not shovel ready (engineering completed, permits in hand and property easements secured) no funds materialized.

Letter to Governor Lynch, April 5, 2010:

Keith noted that after the second denial of the FEMA Pre-Disaster Mitigation Grant, the Epsom BOS was very disappointed with the lack of progress in obtaining the competitive grant funding and sent a letter to Governor Lynch in April. This letter expressed frustration to the Governor and the need of the State to take the lead role in securing funds to complete the engineering and river restoration. After this letter, Keith became aware of a \$450K grant for engineering study to stabilize the river's new course was granted.

Keith highlighted the type of damage that is being done to property in the Town of Epsom due to the river's current channel. It is affecting agriculture land on both sides of Route 4, it is pulling trees into the river, a beautiful granite bridge for the recreational trail along the old railroad bed has dissolved at the Little Suncook River, the bridge under the railroad was lost at Leighton Brook and the town has not been able to use the Webster Park Beach. He noted that it is critical that something must be done in order to control the river's course & minimize future damage in all our towns. He noted that due to the ongoing sediment movement and smaller rainstorm event the river continues to threaten the development of a second avulsion occurring behind the Epsom Elementary School through Village District's well site and Round Pond. He further noted that there have been times that Epsom has lost one of its water supplies due to flooding behind the school.

Keith noted that the Epsom Selectmen are aware that there have been FEMA buyouts happening in each town due to the flooding and Epsom has two properties that are currently being considered for FEMA buyouts as well.

Keith does not feel the blame for no action should not be placed upon the Watershed Bureau at DES. He stated that Steve Couture and Steve Landry have worked very hard with Epsom to complete the grant applications. They have assisted to the greatest extent practical, given the severe limitations on funding and the competitive grant process for the funding. Keith summarized that the State through the Governor's office now must take the leadership role to move forward with dedicated funds to address their river.

Joanne stated that she'd like to have a group consensus of how to proceed. She'd also like to schedule another meeting and invite our local & state representatives to be in attendance. Keith noted that since the Epsom letter was sent to the Governor in April, he is becoming aware of a lot of discussion that has taken place within the State at DES and among top level State Officials. It is pretty clear that the message has got across.

John Duggan, Pembroke Selectman asked how fixing the river in Epsom will help them downstream. He questions what the best thing to do is. He's heard plenty of suggestions, but what's the best action? Keith stated that the scientists & engineers that prepared the Geomorphology report have noted that if the river is stabilized it will continue to find its equilibrium and result on the continued movement of sediment further downstream. John has heard that it's already destroyed the flood plains and doesn't know if they can be repaired. Keith agreed that damage has occurred and it will take more dollars to address the long-term damage and the solution needs to involve the whole river to the Merrimack River. Keith stated that contrary to some public desire to put the river back to the original location – it will not solve the problem that has occurring downstream. He also stated that in order to put the river back, a levy or diversion dam would have to be built in order divert the water course. The town remains on record that should this occur, the Town is unwilling to take ownership of a diversion dam or levy due to the long-term risks, expense and liabilities.

Cindy Lewis, Pembroke Selectman stated that most residents she spoke with want the river put back to its original location. She is aware that DES has stated that they will not put the river

back to its original location. She inquired that if the river was restored to the original location, why would that be catastrophic? Keith explained that a dam or levy would have to be built to a significant height over the current river channel (30 -40 feet or more) and result in the risk of a catastrophic failure due to future storm events. If this did happen, the wall of water will cause unimaginable damage downstream. Cindy recognizes that something needs to be done now as it will continue to cost more money to fix as time goes on. Keith stated that the Epsom BOS is asking the State of NH to do something – whether putting the river back, or stabilizing what's there, as long as it puts minimal risk to the town and its river properties. Keith also noted that the grant limitations would not support putting the river back. He feels that the best thing that can be done is to collectively work together and seek direct help from the State.

Joanne stated that at the time the study was done, it was recommended to stabilize the river where it is and that we would have the best chance of getting grant funds. However, the Town of Epsom has not been successful in being awarded the grant funds to proceed.

John Duggan asked if all the towns can get together & make a plan and ask the State how to come up with the money to do it. Joanne said that's exactly why we are all here tonight.

David Jodoin echoed what Keith said – that the studies that have been done are now becoming obsolete.

Larry Preston, Pembroke Selectman stated that the biggest problem seems to be that none of the towns have the money to do any corrections. Keith stated that since the towns don't have the money to do the State's job – then it has to be placed in the State's lap to pay for the work. Keith feels that the State should have access to emergency funds and wonders why this disaster has not reached the top of priority within the State. There was a brief discussion that if the river reached the State Highway, then it would be a priority. Keith stated that NHDOT has been keeping an eye on the area that is closest to Route 4. However, if the highway bridge needed to be addressed, the DOT would certainly fix the problem area at the bridge and would not likely extend the funding or work downstream through the rest of the river.

John Duggan asked who has been dumping rocks in the field by the river – Keith said he is aware of who has been dumping the rocks within the agricultural field adjacent to the river.

Larry Preston asked if we can sue the State of NH – and Joanne said no, she has already asked about it. Larry asked what we can do to push the State to take responsibility. Joanne replied that we need to work together and schedule another meeting with our elected officials.

David Sheldon said this is a STATE issue and the towns have no authority to do anything about it. He feels the State must be made aware of the position that our three towns are in and they need to make a decision to take corrective action.

David Jodoin asked if it's been estimated how much an updated report would cost. Keith said the last one was \$60K. However, he noted that report focused on the avulsion in Epsom only. Keith does feel that there is a great deal of information already gathered that would not have to be repeated in an updated study. He said the key is getting it done quickly and following through with funding to do it. He agreed it's a State issue.

Paul Apple, Allenstown Town Administrator said one of his BOS concerns is that there doesn't seem to be a solution that "jumps out". In addition, by the time a solution is decided upon – the plan might not work because the river is still moving. He feels we need to have a firm grasp on what we are asking our elected officials to help with.

Roger LaFleur, Allenstown Selectman, stated that if the State becomes involved, then they will be taking charge and doing things their way. Also, if the plan that is decided upon is carried out

and it fails, who takes responsibility for it? David Jodoin stated that the original event could be classified as an "An Act of God", but as soon as 'our' hands are in it – it is no longer an Act of God.

7:45 PM – 7:55 PM Break

Formulate Action Plan –

Keith stated that every Board of Selectmen in attendance tonight recognizes all three towns are suffering and a solution needs to be found & implemented right away. He feels the four towns (Epsom, Chichester, Allenstown and Pembroke) need to work together and collectively put pressure on all our elected officials. He stated the following needs to happen:

- 1 – Voice that the impacts of the avulsion have a negative effect on our emergency responders, property owners along the river and our local town's budgets;
- 2 – The river avulsion is a State issue – not a Town issue;
- 3 – Need to advance the environmental and engineering to make the solution shovel-ready through all towns including Allenstown and Pembroke – not just in Epsom;
- 4 – The State needs to guarantee the funds will be provided to address the State river issues within our towns.

Larry Preston asked that as a result of the avulsion, did Epsom not gain a lot more land for possible development? Keith stated no – that this old channel is still a protected area under the environmental regulations as there is still water that flows there (i.e. Mason Brook). Larry also suggested placing the responsibility on the owners of the gravel pit as they dug the gravel out. Keith stated that the first event did not occur at the gravel pit, it occurred above the gravel pit. In addition the gravel pit was developed and operated in accordance with State law under RSA 155E.

David Sheldon stated that we have to impress upon all elected officials that this is THEIR problem. Not just State Representatives, but Federal as well – Congressmen, Senators too.

Cindy Lewis asked what the position is of the landowners along the original river. Keith stated after the avulsion occurred, the owners of the gravel pit sold the land to a neighboring property owner. Keith also notes that as part of the original grant application, the Town of Epsom had to obtain property owners willingness to discuss future easements. Keith said a number of property owners expressed the hope to return the river to its original location.

Roger LaFleur suggested that we take time to listen public input. Joanne suggested the members at table need to come to a consensus before Public input is taken.

Larry Preston feels he needs to read the original VHB report before he can make a decision and David Jodoin echoed that comment. Keith noted that a copy of the final report was sent to Allenstown, Pembroke & Chichester upon its completion in May 2008. He also said it is available on line at the VHB's web site. He also pointed out that all 3 towns were given invitations to attend the past river study Public Meetings. Roger Lafleur said that in all fairness, the Selectmen in Allenstown are newly elected and have not seen the report. He said Allenstown has put Chief Shaun Mulholland as the point person for Allenstown and he has been attending all meetings.

Larry Preston said it is not any town's decision on how to move ahead. What needs to be done is making the State take responsibility.

David Sheldon said the State needs to be directed to take responsibility. All residents in the State, not just these towns affected here, need to push for our elected officials to take action, as

a similar situation could happen to any resident in this state. When the next meeting is held, we need to have our elected officials, and as much media as possible in attendance in order to put the pressure on the State to take responsibility.

PUBLIC QUESTIONS AND COMMENTS

Joanne noted that there appears to be a very high level of frustration in the audience and asked that each person wishing to speak introduce themselves, state what town they live in and limit the input to no more than 5 minutes. She asked that everyone speak respectfully and not make personal attacks.

Tom Baumeister, Pembroke explained that he has been dealing with a high level of silt and clay on his property as a result of smaller storm events. He said according to Merrimack County Registry of Deeds, Epsom owns the center part of the gravel pit. He also said the State owns property around the pit. He stated that sediment from the river banks as high as 50' has funneled down to Allenstown and Pembroke from the Epsom sites.

He said the \$60K that was spent on the Geomorphology study was done by an ex-DES employee working for the consultant, which he feels is a conflict of interest – and it's also a conflict of interest for Keith Cota, as he works for the State of NH. Joanne reminded Mr. Baumeister to make his point or ask his question, as personal attacks will not be allowed. He passed out some papers. He said immediately after the avulsion, Frank Merrill told the State that it would cost two million dollars to put the river back to its original location, and it should have been done then.

Rex Bennett, Epsom asked if the river was at bedrock. Keith said no. Mr. Bennett said he wants to see the river put back to where it was. He said it can be done. Keith said that the funding that is available from the state did not allow the money to be spent on putting the river back if it requires a diversion dam. Mr. Bennett asked if rip-rap can be placed all along the river. Keith said that solution was not part of the study and would likely be cost prohibitive. Mr. Bennett asked if the engineering was done by an independent study. Keith said the study was done by a private consultant under contract with the town of Epsom. Mr. Bennett asked if any engineering has been requested by Audley or any other company. Keith said no, because none of those companies have offered to donate their time and expertise. He pointed out that the Town would certainly accept input from any contracting industry that may come forward.

Ron Swiggard, Vichelda Road, Pembroke – He stated the homes on either side of him were completely flooded, and one neighbor lost their home due to financial issues. The flooding has really impacted his neighborhood. He said during the spring, there was so much ice flowing down that he evacuated his home because he was afraid it would hit his foundation. He asked if it's the Town's final decision to not allow a dam or levy. Joanne replied that it was cost prohibitive to install a dam or levy, and the Town could be made responsible for the structure. She said nothing is really being ruled out at this time as new data may show that another course of action might be appropriate. Joanne stated that the Town of Epsom is not willing to take responsibility for a dam located in the State's river.

Sally Highland - Bachelder Road, Pembroke – asked if the State of NH stated that Epsom would be responsible for a dam. Keith replied that the State said someone would be responsible, and if Epsom applied for a grant to build it, then it would be assumed that Epsom would be responsible. Also, it was DES opinion a diversion dam was not the best course of action. She commended the BOS in Epsom for writing the letter to the Governor, and wishes that the other

towns and private residents would write a letter also. She asked if Merrimack River Watershed Committee and Friends of Merrimack River have been involved or the CNHRPC. Joanne replied not to her knowledge. Sally asked if the permits required are State permits – Keith replied they are both State & Federal permits required. She asked if Keith knows how much the permits will cost, and he did not. Sally suggested that the State and Federal Governments each be responsible for obtaining & paying for their own permits.

Pentti Aalto – Pembroke – He commends the decision to get the State more involved. He feels the study that was done was a low-cost study & feels a second opinion should be obtained. He feels that a small dam could be built and will solve the problem. He feels that there are other alternatives to solve the problem other than what is contained in the report, and thinks it may be easier to put the river back to its original location.

Sandra Poirier – River Road, Epsom – She noted that they lost their home in 2007 due to what happened in 2006. She said in 1997 she went to FEMA because of flooding and they sent her to the NHDES Watershed Bureau. She went there and they did all the application and overseen the work, which cost over \$100K. The Army Corps of Engineers approved everything. She said her home was rebuilt – farther away from the river, but the way the water is rising, she's afraid it may happen again.

Tom Baumeister – Said he worked the Alstead flood zone, and they rebuilt both sides of the river all the way to the Vermont border without any permits. The river was rebuilt in 6 weeks. He doesn't understand why it's been 4 years and nothing has been done in Epsom. He stated that before the gravel pit was excavated, it was a hillside. He said 3 months before the avulsion the State Gravel Pit Inspector (from Department of Revenue Administration) notified Epsom that the gravel pit operator over-excavated the amount of material from the pit, and Epsom did nothing. He said there are thousands of trees that have gone down stream since the avulsion. He pointed out that the experts who are doing the sediment study haven't inspected that area in a year & a half. Some properties area along the river that previously had 7 feet to 16 feet of water depth before the avulsion, now have a depth of 6", as the river is full of sand, clay & silt. He stressed that people are losing their homes and there is too much financial suffering. He stressed that anyone who has not been to the river should go to the sand pit area to see it.

John McDonnell – Chichester – He announced that he is a candidate for the State House of Representatives. He agrees that the State owns this river and the Town should not be responsible for dams or funding to repair it. He stated there is a risk of loss of life. Keith agreed and said that Fire Chief Stewart Yeaton can attest to the number of times he's had to go to the Mobile Home Park and other properties to do voluntary evacuations. John suggested getting every single politician & candidate here for their "photo-op".

8:55 PM Joanne closed the meeting to public input and suggested that a date be set for another meeting. Joanne said another meeting will be held and all the elected people previously mentioned will be invited. She hopes that Pembroke & Allenstown will again be in attendance. She said the Epsom BOS will be responsible for inviting all the elected officials, and said it will be the other towns' responsibilities to invite their elected representative from their towns. The tentative date has been set for Monday, July 19 at 6:30 PM, location to be announced (most likely Epsom Central School).

Cindy Lewis thanked the BOS for hosting this meeting tonight. Joanne reminded everyone to be prepared to push the responsibility on the State.

9:05 PM The towns of Allenstown and Pembroke adjourned their meetings. Epsom will continue their meeting for a brief period.

FOR SIGNATURE

1. **Accounts Payable** was signed.
2. **Manifests** were signed.
3. **Appointment Papers for ZCO Committee** were signed.
4. **Service Agreement / Contract with Care America Property Services, 4 Season Janitorial** – this contract has been reviewed by the Town Attorney & minor changes have been made. Joanne made a motion to enter into this contract for janitorial services for the Town Office under the terms stated in the contract. Keith seconded the motion. All in favor. Joanne signed.

Keith attended the SVRTC meeting & noted a strong interest by the members to take part in the health insurance program and review. He said an independent study can be done for \$5K to see if our insurance needs are being met and at the least costs. The cost of \$5K would be shared between the towns in the group. The cost to Epsom would be approximately \$650 – which would be based on the number of health insurance participants. Bob & Joanne agreed that it would be a worthwhile investment.

Keith also said that the LGC needs the town of Epsom to send a letter of intent in regard to group health insurance to include Allenstown.

Keith noted there was a lot of discussion about Police Department regionalization, and there was discussion regarding the viability of it. There was a general agreement that regionalization of complete departments is not likely, but it is very likely that some components of the departments can be regionalized – likely the shooting range.

There was also discussion about combined purchase of equipment, ammunition & office supplies, but was decided to be not viable at this time.

Joanne said she will call Bruce and will ask Deb to work on the letter to the LGC. Keith said he will draft a letter that can be sent to our invited federal and state dignitaries for the next river meeting on July 19. Joanne suggested the letter should go to all elected officials, candidates, DES and DOS. Keith said that he received a call from Steve Landry at NHDES to advise the State is working on securing funds to study the river from the upper reaches at the lake in Barnstead all the way to the Merrimack River. Keith noted that the Selectmen's letter seems to have gotten high level attention at the State.

There was a brief discussion about the area of the pit that Mr. Baumeister said tonight is owned by the Town of Epsom. Keith said that he was aware that the deed was never recorded. Bob also inquired about the area around the pit that Mr. Baumeister said was owned by the State of NH. The only area is the former sand pit adjacent to the Cutter's pit.

Bob said Drolet Road has been paved & the top coat will be done on Thursday or Friday. He will check with Gordon about the shoulder work on North Pembroke Road. Keith said the work has been completed.

Bob said BCEP meeting is Thursday night.

Joanne said tomorrow night is the first meeting of the ZCO Committee at Town Office at 6:30 PM and the Stewardship meeting is tomorrow night at 7:00 at the Library.

9:25 PM Keith made a motion to adjourn. Bob seconded the motion. All in favor.